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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/399,320 09/20/99 ANZELLINI

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AIR MAIL

EXAMINER

GETZOW, S

ART UNIT

PAPER NUMBER

3762

DATE MAILED:

06/18/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/399,320

Applicant(s)

ANZELLINI ET AL.

Examiner

Scott Getzow

Art Unit

3762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3 and 4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3 and 4s is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

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Claims 1 and 2 have been canceled by applicant. Therefore, the new claims submitted have been renumbered 3 and 4.

Claim Rejections - 35 USC § 112

1. Claims 3,4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

See previous office action.

Claim Rejections - 35 USC § 103

2. Claims 3,4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dingwall et al '983.

See previous office action.

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3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

In accordance with MPEP 707.07(j), the claims of the application have been re-written by the examiner since the case is a *pro se* application. **The following claims would be allowed if incorporated into the application by amendment.**

3. A method for self-diagnosis of acute myocardial infarction at the moment of chest pain indicating ischemic activity for an early diagnosis, in the first four to six hours of said acute myocardial infarction to determine with a high degree of effectiveness when an artery of the heart

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is acutely obstructed by thrombus or rupture of atherosclerotic plaque related to said ischemic activity by means of a device attached with a negative wire to the patient's right armpit, a positive/negative wire attached to the patient's left armpit and a positive wire attached to the lower part of the patient's abdomen including the hipogastrium, and further including positive and negative electrodes placed in a V4 position at the 6th to 8th intercostal space along the midclavicular line, where the said electrodes may be placed against the skin of the patient without any gel or conductive substance, wherein said device further includes an analog to digital converter and a microcontroller, the method comprising;

a) sensing a shift of st segment below or above a baseline, wherein a green light alarm is generated by said device if said shift is between 0-1 millimeters, or 0-100 microvolts, in absolute value and a yellow light alarm is generated by said device if said shift is between 1-2 millimeters, or 100-200 microvolts, in absolute value and a red light alarm is generated by said device if said shift is greater than 2 millimeters ,or greater than 200 microvolts, in absolute value wherein said green alarm indicates low risk, said yellow alarm indicates medium risk, and said red alarm indicates high risk for said acute myocardial infarction of the subendocardial type;

b) wherein said analog to digital converter digitizes the patient's ECG signal and inputs said digitized ECG signal into said microcontroller in real time, wherein said microcontroller processes said signal and senses said shift of st segment and further triggers said alarms.

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4. A method for diagnosis of acute myocardial infarction by a device capable of sensing a patient's ECG waveform and emitting an audible and visual alarm comprising;

a)measuring a positive or negative st segment baseline shift of a patient's ECG waveform starting at a j point which indicates part of said ECG waveform,

b)detecting either said positive or said negative shift and sensing said j point as the point where the st segment begins, said j point being measured in real time,

wherein said device emits audible and green alarms if said j point of said st segment is between 0-1 millimeters, or 100 microvolts, in absolute value, to indicate subepicardial or subendocardial ischemia where there is a low risk of acute myocardial infarction, and wherein said device emits audible and yellow alarms if said j point of said st segment is between 1-2 millimeters, or 100-200 microvolts, in absolute value, to indicate subepicardial or subendocardial ischemia where there is a medium risk for acute myocardial infarction, and wherein said device emits audible and red alarms if said j point of said st segment is 2 millimeters or over, or over 200 microvolts, in absolute value, to indicate subepicardial or subendocardial ischemia where there is a high risk for acute myocardial infarction.

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The claims have been carefully reviewed by the examiner to eliminate superfluous wording. It is suggested that applicant review the above claims, and submit them in an after final amendment, or otherwise indicate to the examiner that said claims should be entered into the application. **Since prosecution is closed in the present application, no further amendments will be considered.**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Getzow whose telephone number is (703) 308-2997.

smg



June 11, 2001